

Subtitle I—Miscellaneous

SEC. 1901. INCLUSION OF REQUIREMENTS FOR SIGNS IDENTIFYING FUNDING SOURCES IN TITLE 23.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 320—

(1) the following:

“§ 321. Signs identifying funding sources”; and

(2) the text of section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note).

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 320 the following:

“321. Signs identifying funding sources.”.

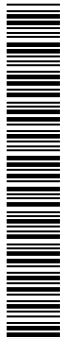
(c) CONFORMING REPEAL.—Section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note; 101 Stat. 209) is repealed.

SEC. 1902. DONATIONS AND CREDITS.

Section 323 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (c) by inserting “, or a local government from offering to donate funds, materials, or services performed by local government employees,” after “services”; and

(2) by striking subsection (e).



1 **SEC. 1903. INCLUSION OF BUY AMERICA REQUIREMENTS IN**
2 **TITLE 23.**

3 (a) IN GENERAL.—Chapter 3 of title 23, United
4 States Code, is amended by inserting after section 312—

5 (1) the following:

6 “§ 313. Buy America”; and

7 (2) the text of section 165 of the Highway Im-
8 provement Act of 1982 (23 U.S.C. 101 note; 96
9 Stat. 2136).

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 3 of such title is amended by inserting after the item
12 relating to section 312 the following:

“313. Buy America.”.

13 (c) CONFORMING AMENDMENTS.—Section 313 of
14 such title (as added by subsection (a)) is amended—

15 (1) in subsection (a) by striking “by this Act”
16 the first place it appears and all that follows
17 through “of 1978” and inserting “to carry out the
18 Surface Transportation Assistance Act of 1982 (96
19 Stat. 2097) or this title”;

20 (2) in subsection (b) by redesignating para-
21 graph (4) as paragraph (3);

22 (3) in subsection (d) by striking “this Act,” and
23 all that follows through “Code, which” and inserting
24 “the Surface Transportation Assistance Act of 1982
25 (96 Stat. 2097) or this title that”;



1 (4) by striking subsection (e); and

2 (5) by redesignating subsections (f) and (g) as
3 subsections (e) and (f), respectively.

4 (d) CONFORMING REPEAL.—Section 165 of the
5 Highway Improvement Act of 1982 (23 U.S.C. 101 note;
6 96 Stat. 2136) is repealed.

7 **SEC. 1904. STEWARDSHIP AND OVERSIGHT.**

8 (a) IN GENERAL.—Section 106 of title 23, United
9 States Code, is amended—

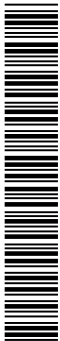
10 (1) by striking subsection (e) and inserting the
11 following:

12 “(e) VALUE ENGINEERING ANALYSIS.—

13 “(1) DEFINITION OF VALUE ENGINEERING
14 ANALYSIS.—

15 “(A) IN GENERAL.—In this subsection, the
16 term ‘value engineering analysis’ means a sys-
17 tematic process of review and analysis of a
18 project, during the concept and design phases,
19 by a multidisciplined team of persons not in-
20 volved in the project, that is conducted to pro-
21 vide recommendations such as those described
22 in subparagraph (B) for—

23 “(i) providing the needed functions
24 safely, reliably, and at the lowest overall
25 cost;



1 “(ii) improving the value and quality
2 of the project; and

3 “(iii) reducing the time to complete
4 the project.

5 “(B) INCLUSIONS.—The recommendations
6 referred to in subparagraph (A) include, with
7 respect to a project—

8 “(i) combining or eliminating other-
9 wise inefficient use of costly parts of the
10 original proposed design for the project;
11 and

12 “(ii) completely redesigning the
13 project using different technologies, mate-
14 rials, or methods so as to accomplish the
15 original purpose of the project.

16 “(2) ANALYSIS.—The State shall provide a
17 value engineering analysis or other cost-reduction
18 analysis for—

19 “(A) each project on the Federal-aid sys-
20 tem with an estimated total cost of
21 \$25,000,000 or more;

22 “(B) a bridge project with an estimated
23 total cost of \$20,000,000 or more; and

24 “(C) any other project the Secretary deter-
25 mines to be appropriate.



1 “(3) MAJOR PROJECTS.—The Secretary may
2 require more than 1 analysis described in paragraph
3 (2) for a major project described in subsection (h).

4 “(4) REQUIREMENTS.—Analyses described in
5 paragraph (1) for a bridge project shall—

6 “(A) include bridge substructure require-
7 ments based on construction material; and

8 “(B) be evaluated—

9 “(i) on engineering and economic
10 bases, taking into consideration acceptable
11 designs for bridges; and

12 “(ii) using an analysis of life-cycle
13 costs and duration of project construc-
14 tion.”; and

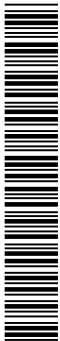
15 (2) by striking subsections (g) and (h) and in-
16 serting the following:

17 “(g) OVERSIGHT PROGRAM.—

18 “(1) ESTABLISHMENT.—

19 “(A) IN GENERAL.—The Secretary shall
20 establish an oversight program to monitor the
21 effective and efficient use of funds authorized to
22 carry out this title.

23 “(B) MINIMUM REQUIREMENT.—At a min-
24 imum, the program shall be responsive to all



1 areas relating to financial integrity and project
2 delivery.

3 “(2) FINANCIAL INTEGRITY.—

4 “(A) FINANCIAL MANAGEMENT SYS-
5 TEMS.—The Secretary shall perform annual re-
6 views that address elements of the State trans-
7 portation departments’ financial management
8 systems that affect projects approved under
9 subsection (a).

10 “(B) PROJECT COSTS.—The Secretary
11 shall develop minimum standards for estimating
12 project costs and shall periodically evaluate the
13 practices of States for estimating project costs,
14 awarding contracts, and reducing project costs.

15 “(3) PROJECT DELIVERY.—The Secretary shall
16 perform annual reviews that address elements of the
17 project delivery system of a State, which elements
18 include 1 or more activities that are involved in the
19 life cycle of a project from conception to completion
20 of the project.

21 “(4) RESPONSIBILITY OF THE STATES.—

22 “(A) IN GENERAL.—The States shall be
23 responsible for determining that subrecipients
24 of Federal funds under this title have—



1 “(i) adequate project delivery systems
2 for projects approved under this section;
3 and

4 “(ii) sufficient accounting controls to
5 properly manage such Federal funds.

6 “(B) PERIODIC REVIEW.—The Secretary
7 shall periodically review the monitoring of sub-
8 recipients by the States.

9 “(5) SPECIFIC OVERSIGHT RESPONSIBIL-
10 ITIES.—

11 “(A) EFFECT OF SECTION.—Nothing in
12 this section shall affect or discharge any over-
13 sight responsibility of the Secretary specifically
14 provided for under this title or other Federal
15 law.

16 “(B) APPALACHIAN DEVELOPMENT HIGH-
17 WAYS.—The Secretary shall retain full over-
18 sight responsibilities for the design and con-
19 struction of all Appalachian development high-
20 ways under section 14501 of title 40.

21 “(h) MAJOR PROJECTS.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of this section, a recipient of Federal fi-
24 nancial assistance for a project under this title with
25 an estimated total cost of \$500,000,000 or more,



1 and recipients for such other projects as may be
2 identified by the Secretary, shall submit to the Sec-
3 retary for each project—

4 “(A) a project management plan; and

5 “(B) an annual financial plan.

6 “(2) PROJECT MANAGEMENT PLAN.—A project
7 management plan shall document—

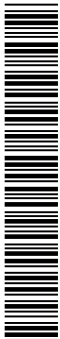
8 “(A) the procedures and processes that are
9 in effect to provide timely information to the
10 project decisionmakers to effectively manage the
11 scope, costs, schedules, and quality of, and the
12 Federal requirements applicable to, the project;
13 and

14 “(B) the role of the agency leadership and
15 management team in the delivery of the project.

16 “(3) FINANCIAL PLAN.—A financial plan
17 shall—

18 “(A) be based on detailed estimates of the
19 cost to complete the project; and

20 “(B) provide for the annual submission of
21 updates to the Secretary that are based on rea-
22 sonable assumptions, as determined by the Sec-
23 retary, of future increases in the cost to com-
24 plete the project.



1 “(i) OTHER PROJECTS.—A recipient of Federal fi-
2 nancial assistance for a project under this title with an
3 estimated total cost of \$100,000,000 or more that is not
4 covered by subsection (h) shall prepare an annual financial
5 plan. Annual financial plans prepared under this sub-
6 section shall be made available to the Secretary for review
7 upon the request of the Secretary.”.

8 (b) CONFORMING AMENDMENTS.—Section 114(a) of
9 title 23, United States Code, is amended—

10 (1) in the first sentence by striking “highways
11 or portions of highways located on a Federal-aid sys-
12 tem” and inserting “Federal-aid highway or a por-
13 tion of a Federal-aid highway”; and

14 (2) by striking the second sentence and insert-
15 ing “The Secretary shall have the right to conduct
16 such inspections and take such corrective action as
17 the Secretary determines to be appropriate.”.

18 **SEC. 1905. TRANSPORTATION DEVELOPMENT CREDITS.**

19 Section 120(j)(1) of title 23, United States Code, is
20 amended—

21 (1) by striking “A State” and inserting the fol-
22 lowing:

23 “(A) IN GENERAL.—A State”; and

24 (2) by striking the last sentence and inserting
25 the following:



1 “(B) SPECIAL RULE FOR USE OF FEDERAL
2 FUNDS.—If the public, quasi-public, or private
3 agency has built, improved, or maintained the
4 facility using Federal funds, the credit under
5 this paragraph shall be reduced by a percentage
6 equal to the percentage of the total cost of
7 building, improving, or maintaining the facility
8 that was derived from Federal funds.

9 “(C) FEDERAL FUNDS DEFINED.—In this
10 paragraph, the term ‘Federal funds’ does not
11 include loans of Federal funds or other finan-
12 cial assistance that must be repaid to the Gov-
13 ernment.”.

14 **SEC. 1906. GRANT PROGRAM TO PROHIBIT RACIAL**
15 **PROFILING.**

16 (a) GRANTS.—Subject to the requirements of this
17 section, the Secretary shall make grants to a State that—

18 (1)(A) has enacted and is enforcing a law that
19 prohibits the use of racial profiling in the enforce-
20 ment of State laws regulating the use of Federal-aid
21 highways; and

22 (B) is maintaining and allows public inspection
23 of statistical information for each motor vehicle stop
24 made by a law enforcement officer on a Federal-aid



1 highway in the State regarding the race and eth-
2 nicity of the driver and any passengers; or

3 (2) provides assurances satisfactory to the Sec-
4 retary that the State is undertaking activities to
5 comply with the requirements of paragraph (1).

6 (b) ELIGIBLE ACTIVITIES.—A grant received by a
7 State under subsection (a) shall be used by the State—

8 (1) in the case of a State eligible under sub-
9 section (a)(1), for costs of—

10 (A) collecting and maintaining of data on
11 traffic stops;

12 (B) evaluating the results of the data; and

13 (C) developing and implementing programs
14 to reduce the occurrence of racial profiling, in-
15 cluding programs to train law enforcement offi-
16 cers; and

17 (2) in the case of a State eligible under sub-
18 section (a)(2), for costs of—

19 (A) activities to comply with the require-
20 ments of subsection (a)(1); and

21 (B) any eligible activity under paragraph
22 (1).

23 (c) RACIAL PROFILING.—

24 (1) IN GENERAL.—To meet the requirement of
25 subsection (a)(1), a State law shall prohibit, in the



1 enforcement of State laws regulating the use of Fed-
2 eral-aid highways, a State or local law enforcement
3 officer from using the race or ethnicity of the driver
4 or passengers to any degree in making routine or
5 spontaneous law enforcement decisions, such as ordi-
6 nary traffic stops on Federal-aid highways.

7 (2) LIMITATION.—Nothing in this subsection
8 shall alter the manner in which a State or local law
9 enforcement officer considers race or ethnicity when-
10 ever there is trustworthy information, relevant to the
11 locality or time frame, that links persons of a par-
12 ticular race or ethnicity to an identified criminal in-
13 cident, scheme, or organization.

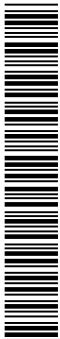
14 (d) LIMITATIONS.—

15 (1) MAXIMUM AMOUNT OF GRANTS.—The total
16 amount of grants made to a State under this section
17 in a fiscal year may not exceed 5 percent of the
18 amount made available to carry out this section in
19 the fiscal year.

20 (2) ELIGIBILITY.—A State may not receive a
21 grant under subsection (a)(2) in more than 2 fiscal
22 years.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—There is authorized to be
25 appropriated from the Highway Trust Fund (other

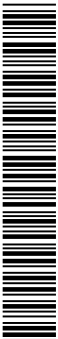


1 than the Mass Transit Account) to carry out this
2 section \$7,500,000 for each of fiscal years 2005
3 through 2009.

4 (2) CONTRACT AUTHORITY.—Funds authorized
5 by this subsection shall be available for obligation in
6 the same manner as if the funds were apportioned
7 under chapter 1 of title 23, United States Code, ex-
8 cept the Federal share of the cost of activities car-
9 ried out using such funds shall be 80 percent, and
10 such funds shall remain available until expended and
11 shall not be transferable.

12 **SEC. 1907. PAVEMENT MARKING SYSTEMS DEMONSTRA-**
13 **TION PROJECTS.**

14 (a) IN GENERAL.—The Secretary shall conduct a
15 demonstration project in the State of Alaska, and a dem-
16 onstration project in the State of Tennessee, to study the
17 safety impacts, environmental impacts, and cost effective-
18 ness of different pavement marking systems and the effect
19 of State bidding and procurement processes on the quality
20 of pavement marking material employed in highway
21 projects. The demonstration projects shall each include an
22 evaluation of the impacts and effectiveness of increasing
23 the width of pavement marking edge lines from 4 inches
24 to 6 inches and an evaluation of advanced acrylic water-
25 borne pavement markings.



1 (b) REPORT.—Not later than June 30, 2009, the
2 Secretary shall submit to Congress a report on the results
3 of the demonstration projects, together with findings and
4 recommendations on methods that will optimize the cost-
5 benefit ratio of the use of Federal funds on pavement
6 marking.

7 (c) FUNDING.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—

9 There is authorized to be appropriated to carry out
10 this section, out of the Highway Trust Fund (other
11 than the Mass Transit Account), \$1,000,000 for
12 each of fiscal years 2006 through 2009.

13 (2) CONTRACT AUTHORITY.—Funds authorized
14 to be appropriated by this section shall be available
15 for obligation in the same manner and to the same
16 extent as if such funds were apportioned under
17 chapter 1 of title 23, United States Code; expect
18 that the Federal share of the cost of the demonstra-
19 tion projects shall be 100 percent, and such funds
20 shall remain available until expended and shall not
21 be transferable.

22 **SEC. 1908. INCLUSION OF CERTAIN ROUTE SEGMENTS ON**
23 **INTERSTATE SYSTEM AND NHS.**

24 (a) INTERSTATE SYSTEM.—

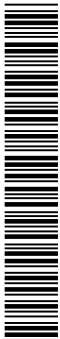


1 (1) CREEK TURNPIKE, OKLAHOMA.—The Sec-
2 retary shall designate as part of the Interstate Sys-
3 tem (as defined in section 101 of title 23, United
4 States Code) in accordance with section 103(c)(4) of
5 such title the portion of the Creek Turnpike con-
6 necting Interstate Route 44 east and west of Tulsa,
7 Oklahoma.

8 (2) CERTAIN SECTION OF INTERSTATE ROUTE
9 181.—The Secretary shall designate as part of Inter-
10 state Route 26 the 11-mile section of Interstate
11 Route 181 lying northwest of the intersection with
12 Interstate Route 81, Tennessee.

13 (3) TREATMENT.—The designations under
14 paragraph (2) shall be treated, for purposes of title
15 23, United States Code, as being made under sec-
16 tion 103(c)(4) of such title.

17 (b) NATIONAL HIGHWAY SYSTEM.—The Secretary
18 shall designate as a component of the National Highway
19 System in accordance with section 103(b)(4) of title 23,
20 United States Code, the portion of United States Route
21 271 from the Arkansas State line, west to the intersection
22 with United States Route 59, and northwest to the inter-
23 section with Interstate Route 40, Sallisaw, Oklahoma.



1 **SEC. 1909. FUTURE OF SURFACE TRANSPORTATION SYS-**
2 **TEM.**

3 (a) DECLARATION OF POLICY.—Section 101(b) of
4 title 23, United States Code, is amended—

5 (1) by striking “(b) It is hereby declared” and
6 all that follows through the first undesignated para-
7 graph and inserting the following:

8 “(b) DECLARATION OF POLICY.—

9 “(1) ACCELERATION OF CONSTRUCTION OF
10 FEDERAL-AID HIGHWAY SYSTEMS.—Congress de-
11 clares that it is in the national interest to accelerate
12 the construction of Federal-aid highway systems, in-
13 cluding the Dwight D. Eisenhower National System
14 of Interstate and Defense, because many of the
15 highways (or portions of the highways) are inad-
16 equate to meet the needs of local and interstate com-
17 merce for the national and civil defense.”;

18 (2) in the second undesignated paragraph by
19 striking “It is hereby declared” and all that follows
20 through “objectives of this Act” and inserting the
21 following:

22 “(2) COMPLETION OF INTERSTATE SYSTEM.—
23 Congress declares that the prompt and early comple-
24 tion of the Dwight D. Eisenhower National System
25 of Interstate and Defense Highways (referred to in
26 this section as the ‘Interstate System’), so named



1 because of its primary importance to the national
2 defense, is essential to the national interest”; and

3 (3) by striking the third undesignated para-
4 graph and inserting the following:

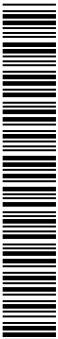
5 “(3) TRANSPORTATION NEEDS OF 21ST CEN-
6 TURY.—Congress declares that—

7 “(A) it is in the national interest to pre-
8 serve and enhance the surface transportation
9 system to meet the needs of the United States
10 for the 21st Century;

11 “(B) the current urban and long distance
12 personal travel and freight movement demands
13 have surpassed the original forecasts and travel
14 demand patterns are expected to continue to
15 change;

16 “(C) continued planning for and invest-
17 ment in surface transportation is critical to en-
18 sure the surface transportation system ade-
19 quately meets the changing travel demands of
20 the future;

21 “(D) among the foremost needs that the
22 surface transportation system must meet to
23 provide for a strong and vigorous national econ-
24 omy are safe, efficient, and reliable—



1 “(i) national and interregional per-
2 sonal mobility (including personal mobility
3 in rural and urban areas) and reduced con-
4 gestion;

5 “(ii) flow of interstate and inter-
6 national commerce and freight transpor-
7 tation; and

8 “(iii) travel movements essential for
9 national security;

10 “(E) special emphasis should be devoted to
11 providing safe and efficient access for the type
12 and size of commercial and military vehicles
13 that access designated National Highway Sys-
14 tem intermodal freight terminals;

15 “(F) the connection between land use and
16 infrastructure is significant;

17 “(G) transportation should play a signifi-
18 cant role in promoting economic growth, im-
19 proving the environment, and sustaining the
20 quality of life; and

21 “(H) the Secretary should take appro-
22 priate actions to preserve and enhance the
23 Interstate System to meet the needs of the 21st
24 Century.”.



1 (b) NATIONAL SURFACE TRANSPORTATION POLICY
2 AND REVENUE STUDY COMMISSION.—

3 (1) ESTABLISHMENT.—There is established a
4 commission to be known as the “National Surface
5 Transportation Policy and Revenue Study Commis-
6 sion” (in this subsection referred to as the “Com-
7 mission”).

8 (2) MEMBERSHIP.—

9 (A) COMPOSITION.—The Commission shall
10 be composed of 12 members, of whom—

11 (i) 1 member shall be the Secretary,
12 who shall serve as Chairperson;

13 (ii) 3 members shall be appointed by
14 the President;

15 (iii) 2 members shall be appointed by
16 the Speaker of the House of Representa-
17 tives;

18 (iv) 2 members shall be appointed by
19 the minority leader of the House of Rep-
20 resentatives;

21 (v) 2 members shall be appointed by
22 the majority leader of the Senate; and

23 (vi) 2 members shall be appointed by
24 the minority leader of the Senate.



1 (B) QUALIFICATIONS.—Members ap-
2 pointed under subparagraph (A)—

3 (i) shall include—

4 (I) individuals representing State
5 and local governments, metropolitan
6 planning organizations, transpor-
7 tation-related industries, and public
8 interest organizations involved with
9 scientific, regulatory, economic, and
10 environmental activities relating to
11 transportation;

12 (II) individuals with a back-
13 ground in public finance, including ex-
14 perience in developing State and local
15 revenue resources;

16 (III) individuals involved in sur-
17 face transportation program adminis-
18 tration;

19 (IV) individuals that have con-
20 ducted academic research into related
21 issues; and

22 (V) individuals that provide
23 unique perspectives on current and fu-
24 ture requirements for revenue sources
25 to support the Highway Trust Fund



1 and policies impacting those revenues;

2 and

3 (ii) shall be balanced geographically to

4 the extent consistent with maintaining the

5 highest level of expertise on the Commis-

6 sion.

7 (C) DATE OF APPOINTMENTS.—The ap-
8 pointment of a member of the Commission shall
9 be made not later than 120 days after the date
10 of establishment of the Commission.

11 (D) TERMS.—A member shall be ap-
12 pointed for the life of the Commission.

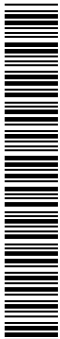
13 (E) VACANCIES.—A vacancy on the
14 Commission—

15 (i) shall not affect the powers of the
16 Commission; and

17 (ii) shall be filled in the same manner
18 as the original appointment was made.

19 (F) INITIAL MEETING.—Not later than 30
20 days after the date on which all members of the
21 Commission have been appointed, the Commis-
22 sion shall hold the initial meeting of the Com-
23 mission.

24 (G) MEETINGS.—The Commission shall
25 meet at the call of the Chairperson.



1 (H) QUORUM.—A majority of the members
2 of the Commission shall constitute a quorum,
3 but a lesser number of members may hold hear-
4 ings.

5 (I) VICE CHAIRPERSON.—The Commission
6 shall select a Vice Chairperson from among the
7 appointed members of the Commission.

8 (3) DUTIES.—

9 (A) IN GENERAL.—The Commission
10 shall—

11 (i) conduct a comprehensive study
12 of—

13 (I) the current condition and fu-
14 ture needs of the surface transpor-
15 tation system;

16 (II) short-term sources of High-
17 way Trust Fund revenues;

18 (III) long-term alternatives to re-
19 place or supplement the fuel tax as
20 the principal revenue source to sup-
21 port the Highway Trust Fund, includ-
22 ing new or alternate sources of rev-
23 enue;

24 (IV) revenue sources to fund the
25 needs of the surface transportation



1 system over at least the 30-year pe-
2 riod beginning on the date of enact-
3 ment of this Act, including new or al-
4 ternate sources of revenue;

5 (V) revenues flowing into the
6 Highway Trust Fund under laws in
7 existence on the date of enactment of
8 this Act, including individual compo-
9 nents of the overall flow of the reve-
10 nues; and

11 (VI) whether the amount of reve-
12 nues described in subclause (V) is
13 likely to increase, decrease, or remain
14 constant absent any change in law,
15 taking into consideration the impact
16 of possible changes in public vehicular
17 choice, fuel use, and travel alter-
18 natives that could be expected to re-
19 duce or increase revenues into the
20 Highway Trust Fund;

21 (B) develop a conceptual plan, with alter-
22 native approaches, to ensure that the surface
23 transportation system will continue to serve the
24 needs of the United States, including specific
25 recommendations regarding design and oper-



1 ational standards, Federal policies, and legisla-
2 tive changes;

3 (C) consult with the Secretary of the
4 Treasury in conducting the study to ensure that
5 the views of the Secretary concerning essential
6 attributes of Highway Trust Fund revenue al-
7 ternatives are considered;

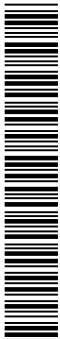
8 (D) consult with representatives of State
9 departments of transportation and metropolitan
10 planning organizations and other key interested
11 stakeholders in conducting the study to ensure
12 that—

13 (i) the views of the stakeholders on al-
14 ternative revenue sources to support State
15 transportation improvement programs are
16 considered; and

17 (ii) any recommended Federal financ-
18 ing strategy takes into account State fi-
19 nancial requirements; and

20 (E) based on the study, make specific rec-
21 ommendations regarding—

22 (i) actions that should be taken to de-
23 velop alternative revenue sources to sup-
24 port the Highway Trust Fund; and



1 (ii) the time frame for taking those
2 actions.

3 (4) RELATED WORK.—To the maximum extent
4 practicable, the study shall build on related work
5 that has been completed by—

6 (A) the Secretary;

7 (B) the Secretary of Energy;

8 (C) the Transportation Research Board,
9 including the findings, conclusions, and rec-
10 ommendations of the recent study conducted by
11 the Transportation Research Board on alter-
12 natives to the fuel tax to support highway pro-
13 gram financing; and

14 (D) other entities and persons.

15 (5) SURFACE TRANSPORTATION NEEDS.—With
16 respect to surface transportation needs, the inves-
17 tigation and study shall specifically address—

18 (A) the current condition and performance
19 of the Interstate System (including the physical
20 condition of bridges and pavements and oper-
21 ational characteristics and performance), rely-
22 ing primarily on existing data sources;

23 (B) the future of the Interstate System,
24 based on a range of legislative and policy ap-
25 proaches for 15-, 30-, and 50-year time periods;



1 (C) the expected demographics and busi-
2 ness uses that impact the surface transpor-
3 tation system;

4 (D) the expected use of the surface trans-
5 portation system, including the effects of chang-
6 ing vehicle types, modes of transportation, fleet
7 size and weights, and traffic volumes;

8 (E) desirable design policies and standards
9 for future improvements of the surface trans-
10 portation system, including additional access
11 points;

12 (F) the identification of urban, rural, na-
13 tional, and interregional needs for the surface
14 transportation system;

15 (G) the potential for expansion, upgrades,
16 or other changes to the surface transportation
17 system, including—

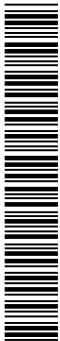
18 (i) deployment of advanced materials
19 and intelligent technologies;

20 (ii) critical multistate, urban, and
21 rural corridors needing capacity, safety,
22 and operational enhancements;

23 (iii) improvements to intermodal link-
24 ages;



- 1 (iv) security and military deployment
2 enhancements;
- 3 (v) strategies to enhance asset preser-
4 vation; and
- 5 (vi) implementation strategies;
- 6 (H) the improvement of emergency pre-
7 paredness and evacuation using the surface
8 transportation system, including—
- 9 (i) examination of the potential use of
10 all modes of the surface transportation sys-
11 tem in the safe and efficient evacuation of
12 citizens during times of emergency;
- 13 (ii) identification of the location of
14 critical bottlenecks; and
- 15 (iii) development of strategies to im-
16 prove system redundancy, especially in
17 areas with a high potential for terrorist at-
18 tacks;
- 19 (I) alternatives for addressing environ-
20 mental concerns associated with the future de-
21 velopment of the surface transportation system;
- 22 (J) the assessment of the current and fu-
23 ture capabilities for conducting system-wide
24 real-time performance data collection and anal-



1 ysis, traffic monitoring, and transportation sys-
2 tems operations and management; and

3 (K) policy and legislative alternatives for
4 addressing future needs for the surface trans-
5 portation system.

6 (6) FINANCING.—With respect to financing, the
7 study shall address specifically—

8 (A) the advantages and disadvantages of
9 alternative revenue sources to meet anticipated
10 Federal surface transportation financial re-
11 quirements;

12 (B) recommendations concerning the most
13 promising revenue sources to support long-term
14 Federal surface transportation financing re-
15 quirements;

16 (C) development of a broad transition
17 strategy to move from the current tax base to
18 new funding mechanisms, including the time
19 frame for various components of the transition
20 strategy;

21 (D) recommendations for additional re-
22 search that may be needed to implement rec-
23 ommended alternatives; and

24 (E) the extent to which revenues should re-
25 flect the relative use of the highway system.



1 (7) FINANCING RECOMMENDATIONS.—

2 (A) FACTORS FOR CONSIDERATION.—In
3 developing financing recommendations under
4 this subsection, the Commission shall
5 consider—

6 (i) the ability to generate sufficient
7 revenues from all modes to meet antici-
8 pated long-term surface transportation fi-
9 nancing needs;

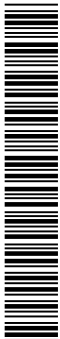
10 (ii) the roles of the various levels of
11 government and the private sector in meet-
12 ing future surface transportation financing
13 needs;

14 (iii) administrative costs (including
15 enforcement costs) to implement each op-
16 tion;

17 (iv) the expected increase in nontaxed
18 fuels and the impact of taxing those fuels;

19 (v) the likely technological advances
20 that could ease implementation of each op-
21 tion;

22 (vi) the equity and economic efficiency
23 of each option;



1 (vii) the flexibility of different options
2 to allow various pricing alternatives to be
3 implemented; and

4 (viii) potential compatibility issues
5 with State and local tax mechanisms under
6 each alternative.

7 (B) NEED AND REVENUE ANALYSIS.—In
8 developing financing recommendations under
9 this subsection, the Commission shall distin-
10 guish between—

11 (i) the needs of, and revenues for, the
12 surface transportation system that are eli-
13 gible to receive funds from the Highway
14 Trust Fund; and

15 (ii) the needs for projects and pro-
16 grams that are not eligible to receive funds
17 from the Highway Trust Fund.

18 (8) TECHNICAL ADVISORY COMMITTEE.—The
19 Secretary shall establish a technical advisory com-
20 mittee, in a manner consistent with the Federal Ad-
21 visory Committee Act (5 U.S.C. App.), to collect and
22 evaluate technical input from—

23 (A) appropriate Federal, State, and local
24 officials with responsibility for transportation;



1 (B) appropriate State and local elected of-
2 ficials;

3 (C) transportation and trade associations;

4 (D) emergency management officials;

5 (E) freight providers;

6 (F) the general public; and

7 (G) other entities and persons determined
8 to be appropriate by the Secretary to ensure a
9 diverse range of views.

10 (9) REPORT AND RECOMMENDATIONS.—Not
11 later than July 1, 2007, the Commission shall sub-
12 mit to Congress—

13 (A) a final report that contains a detailed
14 statement of the findings and conclusions of the
15 Commission; and

16 (B) the recommendations of the Commis-
17 sion for such legislation and administrative ac-
18 tions as the Commission considers to be appro-
19 priate.

20 (10) POWERS OF THE COMMISSION.—

21 (A) HEARINGS.—The Commission may
22 hold such hearings, meet and act at such times
23 and places, take such testimony, and receive
24 such evidence as the Commission considers ad-
25 visable to carry out this section.



1 (B) INFORMATION FROM FEDERAL AGEN-
2 CIES.—

3 (i) IN GENERAL.—The Commission
4 may secure directly from a Federal agency
5 such information as the Commission con-
6 siders necessary to carry out this section.

7 (ii) PROVISION OF INFORMATION.—
8 On request of the Chairperson of the Com-
9 mission, the head of a Federal agency shall
10 provide the requested information to the
11 Commission.

12 (C) POSTAL SERVICES.—The Commission
13 may use the United States mails in the same
14 manner and under the same conditions as other
15 agencies of the Federal Government.

16 (D) DONATIONS.—The Commission may
17 accept, use, and dispose of donations of services
18 or property.

19 (11) COMMISSION PERSONNEL MATTERS.—

20 (A) MEMBERS.—A member of the Com-
21 mission shall serve without pay but shall be al-
22 lowed travel expenses, including per diem in lieu
23 of subsistence, at rates authorized for an em-
24 ployee of an agency under subchapter I of chap-
25 ter 57 of title 5, United States Code, while



1 away from the home or regular place of busi-
2 ness of the member in the performance of the
3 duties of the Commission.

4 (B) CONTRACTORS.—The Commission may
5 enter into agreements with an appropriate orga-
6 nizations, agencies, and entities to conduct the
7 study required under this section, under the
8 strategic guidance of the Commission.

9 (C) ADMINISTRATIVE SUPPORT.—On the
10 request of the Commission, the Administrator
11 of the Federal Highway Administration shall
12 provide to the Commission, on a reimbursable
13 basis, the administrative support and services
14 necessary for the Commission to carry out the
15 duties of the Commission under this section.

16 (D) DETAIL OF PERSONNEL.—

17 (i) IN GENERAL.—On the request of
18 the Commission, the Secretary may detail,
19 on a reimbursable basis, any of the per-
20 sonnel of the Department to the Commis-
21 sion to assist the Commission in carrying
22 out the duties of the Commission under
23 this section.

24 (ii) CIVIL SERVICE STATUS.—The de-
25 tail of the employee shall be without inter-



1 ruption or loss of civil service status or
2 privilege.

3 (12) COOPERATION.—The staff of the Secretary
4 shall cooperate with the Commission in the study re-
5 quired under this section, including providing such
6 nonconfidential data and information as are nec-
7 essary to conduct the study.

8 (13) RELATIONSHIP TO OTHER LAW.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraphs (B) and (C), funds made avail-
11 able to carry out this section shall be available
12 for obligation in the same manner as if the
13 funds were apportioned under chapter 1 of title
14 23, United States Code.

15 (B) FEDERAL SHARE.—The Federal share
16 of the cost of the study and the Commission
17 under this section shall be 100 percent.

18 (C) AVAILABILITY.—Funds made available
19 to carry out this section shall remain available
20 until expended.

21 (14) DEFINITION OF SURFACE TRANSPOR-
22 TATION SYSTEM.—In this subsection, the term “sur-
23 face transportation system” includes—



1 (A) the National Highway System, as de-
2 fined in section 103(b) of title 23, United
3 States Code;

4 (B) congressional high priority corridors;

5 (C) intermodal connectors;

6 (D) intermodal freight facilities;

7 (E) public transportation infrastructure
8 and facilities; and

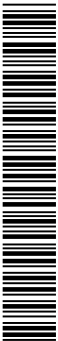
9 (F) freight and intercity passenger bus and
10 rail infrastructure and facilities.

11 (15) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated from the
13 Highway Trust Fund (other than the Mass Transit
14 Account) to carry out this section \$1,400,000 for
15 each of fiscal years 2006 and 2007.

16 (16) APPLICABILITY OF TITLE 23.—Funds
17 made available to carry out this section shall be
18 available for obligation in the same manner as if
19 such funds were apportioned under chapter 1 of title
20 23, United States Code; except that such funds shall
21 remain available until expended, and the Federal
22 share of the cost of a project under this section shall
23 be as provided in this section.

24 (17) TERMINATION.—



1 (A) IN GENERAL.—The Commission shall
2 terminate on the date that is 180 days after the
3 date on which the Commission submits the re-
4 port of the Commission under paragraph (9).

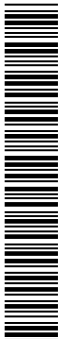
5 (B) RECORDS.—Not later than the date of
6 termination of the Commission under subpara-
7 graph (A), all records and papers of the Com-
8 mission shall be delivered to the Archivist of the
9 United States for deposit in the National Ar-
10 chives.

11 **SEC. 1910. MOTORIST INFORMATION CONCERNING FULL**
12 **SERVICE RESTAURANTS.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Secretary may initiate a rulemaking to
15 determine whether—

16 (1) full service restaurants should be given pri-
17 ority on not more than 2 panels of the camping or
18 attractions logo-specific service signs in the Manual
19 on Uniform Traffic Control Devices of the Depart-
20 ment of Transportation when the food logo-specific
21 service sign is fully used; and

22 (2) full service restaurants should be given pri-
23 ority on not more than 2 panels of the food logo-spe-
24 cific service signs in such Manual when the camping



1 or attractions logo specific service signs are fully
2 used.

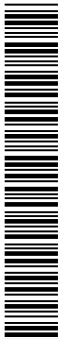
3 **SEC. 1911. APPROVAL AND FUNDING FOR CERTAIN CON-**
4 **STRUCTION PROJECTS.**

5 (a) PROJECT APPROVAL.—If the Secretary finds that
6 the project number STP–189–1(15)CT 3 in Gwinnett
7 County, Georgia, was not listed in the current regional
8 transportation plan because of a clerical error, such failure
9 to be listed shall not be a basis for not approving the
10 project. The Secretary shall make a final decision on the
11 approval of the project within 30 days after the date of
12 receipt by the Secretary of a construction authorization
13 request from the department of transportation for the
14 State of Georgia.

15 (b) CONFORMITY DETERMINATION.—

16 (1) IN GENERAL.—Approval, funding, and im-
17 plementation of the project referred to in subsection
18 (a) shall not be subject to the requirements of part
19 93 of title 40, Code of Federal Regulations (or suc-
20 cessor regulations).

21 (2) REGIONAL EMISSIONS.—Notwithstanding
22 paragraph (1), all subsequent regional emission
23 analyses required by section 93.118 or 93.119 of
24 title 40, Code of Federal Regulations (or successor
25 regulations), shall include the project.



1 **SEC. 1912. LEAD AGENCY DESIGNATION.**

2 The public entity established under California law in
3 1989 to acquire rights-of-way in northwestern California
4 to maintain surface transportation infrastructure is des-
5 ignated as the lead agency for the purpose of accepting
6 Federal funds authorized under item 13 of the table con-
7 tained in section 1108(b) of the Intermodal Surface
8 Transportation Efficiency Act of 1991 (105 Stat. 2061).

9 **SEC. 1913. BRIDGE CONSTRUCTION, NORTH DAKOTA.**

10 Notwithstanding any other provision of law, and re-
11 gardless of the source of Federal funds, the Federal share
12 of the eligible costs of construction of a bridge between
13 Bismarck, North Dakota, and Mandan, North Dakota,
14 shall be 90 percent.

15 **SEC. 1914. MOTORCYCLIST ADVISORY COUNCIL.**

16 (a) IN GENERAL.—The Secretary, acting through the
17 Administrator of the Federal Highway Administration, in
18 consultation with the Committee on Transportation and
19 Infrastructure of the House of Representatives and the
20 Committee on Environment and Public Works of the Sen-
21 ate, shall appoint a Motorcyclist Advisory Council to co-
22 ordinate with and advise the Administrator on infrastruc-
23 ture issues of concern to motorcyclists, including—

- 24 (1) barrier design;
- 25 (2) road design, construction, and maintenance
- 26 practices; and



1 (3) the architecture and implementation of in-
2 telligent transportation system technologies.

3 (b) COMPOSITION.—The Council shall consist of not
4 more than 10 members of the motorcycling community
5 with professional expertise in national motorcyclist safety
6 advocacy, including—

7 (1) at least—

8 (A) 1 member recommended by a national
9 motorcyclist association;

10 (B) 1 member recommended by a national
11 motorcycle riders foundation;

12 (C) 1 representative of the National Asso-
13 ciation of State Motorcycle Safety Administra-
14 tors;

15 (D) 2 members of State motorcyclists' or-
16 ganizations;

17 (E) 1 member recommended by a national
18 organization that represents the builders of
19 highway infrastructure;

20 (F) 1 member recommended by a national
21 association that represents the traffic safety
22 systems industry; and

23 (G) 1 member of a national safety organi-
24 zation; and



1 (2) at least 1, and not more than 2, motorcycle-
2 clists who are traffic system design engineers or
3 State transportation department officials.

4 **SEC. 1915. LOAN FORGIVENESS.**

5 Debt outstanding as of the date of enactment of this
6 Act for project number Q–DPM–0013(001) carried out
7 under section 108(c) of title 23, United States Code, is
8 deemed satisfied.

9 **SEC. 1916. TREATMENT OF OFF RAMP.**

10 Notwithstanding any other provision of law, the New
11 Harbor Boulevard North off-ramp project along the Inter-
12 state Route 405 Collector-Distributor Road in Costa
13 Mesa, California (Susan Street Slip-Ramp), shall be treat-
14 ed for purposes of title 23, United States Code, as satis-
15 fying all Federal requirements, and the California State
16 department of transportation shall authorize any final en-
17 vironmental, engineering, or design analyses necessary to
18 approve, as expeditiously as possible, construction of the
19 project consistent with applicable California State oper-
20 ational and safety standards.

21 **SEC. 1917. OPENING OF INTERSTATE RAMPS.**

22 (a) IN GENERAL.—The Maryland State highway ad-
23 ministration and the Federal Highway Administration
24 shall work cooperatively—



1 (1) to expedite the project being developed as of
2 the date of enactment of this Act to improve Inter-
3 state Route 495 through the area of the Arena
4 Drive interchange to allow for safe exit, including
5 improvements to the adjacent interchanges upstream
6 and downstream along Interstate Route 495; and

7 (2) to expedite action on the Interstate access
8 request so that the Interstate Route 495/Arena
9 Drive interchange can be opened safely to all vehi-
10 cles 24 hours per day, 7 days per week.

11 (b) REPORT.—Not later than 2 years after the date
12 of enactment of this Act, the Secretary shall submit to
13 Congress a report on the status of opening the Interstate
14 Route 495/Arena Drive interchange to full-time use.

15 **SEC. 1918. CREDIT TO STATE OF LOUISIANA FOR STATE**
16 **MATCHING FUNDS.**

17 (a) IN GENERAL.—The Secretary may provide a
18 credit to the State of Louisiana in an amount equal to
19 non Federal Share of the cost of any planning, engineer-
20 ing, design, or construction work carried out by the State
21 on any project that the Secretary determines is integral
22 to the project authorized by item number 202 in the table
23 contained in section 1602 of the Transportation Equity
24 Act for the 21st Century (112 Stat. 264).



1 (b) ELIGIBILITY OF CREDIT.—The credit may be
2 used for any future payment relating to the completion
3 of the project referred to in subsection (a) that is required
4 by the State under title 23, United States Code.

5 **SEC. 1919. ROAD USER FEES.**

6 (a) STUDY.—The Secretary shall enter into an agree-
7 ment with the Public Policy Center of the University of
8 Iowa for an analysis and report to the Secretary and the
9 Secretary of the Treasury on a long-term field test of an
10 approach to assessing highway use fees based upon actual
11 mileage driven by a specific vehicle on specific types of
12 highways by use of an onboard computer—

13 (1) which is linked to satellites to calculate
14 highway mileage traversed;

15 (2) which computes the appropriate highway
16 use fees for each of the Federal, State, and local
17 governments as the vehicle makes use of the high-
18 ways; and

19 (3) the data from which is periodically
20 downloaded by the vehicle owner to a collection cen-
21 ter for an assessment of highway use fees due in
22 each jurisdiction traversed; and

23 (4) which includes methods of ensuring privacy
24 of road users.



1 (b) COMPONENTS OF FIELD TEST.—The components
2 of the field test shall include 2 years for preparation, in-
3 cluding selection of vendors and test participants, and a
4 3-year testing period.

5 (c) REPORTS.—The Secretary shall submit annual re-
6 ports on the status of the analysis and, not later than July
7 1, 2009, a final report on the results of the analysis, to-
8 gether with findings and recommendations. The reports
9 shall be submitted to the Secretary of the Treasury, the
10 Committee on Transportation and Infrastructure and the
11 Committee on Ways and Means of the House of Rep-
12 resentatives, and the Committee on Environment and
13 Public Works and the Committee on Finance of the Sen-
14 ate.

15 (d) AUTHORIZATION OF APPROPRIATION.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated from the Highway Trust Fund (other
18 than the Mass Transit Account) to carry out this
19 section \$2,000,000 fiscal year 2006 and \$3,500,000
20 for each of fiscal years 2007, 2008, and 2009.

21 (2) CONTRACT AUTHORITY.—Funds authorized
22 under this subsection shall be available for obligation
23 in the same manner as if the funds were apportioned
24 under chapter 1 of title 23, United States Code; ex-
25 cept the Federal share of the cost of the analysis



1 and report shall be 100 percent, and such funds
2 shall remain available until expended and shall not
3 be transferable.

4 **SEC. 1920. TRANSPORTATION AND LOCAL WORKFORCE IN-**
5 **VESTMENT.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) Federal-aid highway programs provide State
8 and local governments and other recipients substan-
9 tial funds for projects that produce significant em-
10 ployment and job-training opportunities.

11 (2) Every \$1,000,000,000 in Federal infra-
12 structure investment creates an estimated 47,500
13 jobs.

14 (3) Jobs in transportation construction, includ-
15 ing apprenticeship positions, typically pay more than
16 twice the minimum wage, and include health and
17 other benefits.

18 (4) Transportation projects provide the impetus
19 for job training and employment opportunities for
20 low income individuals residing in the area in which
21 a transportation project is planned.

22 (5) Transportation projects can offer young
23 people, particularly those who are economically dis-
24 advantaged, the opportunity to gain productive em-
25 ployment.



1 (6) The Alameda Corridor, a \$2,400,000,000
2 transportation project, is an example of a transpor-
3 tation project that included a local hiring provision
4 resulting in a full 30 percent of the project jobs
5 being filled by locally hired and trained men and
6 women.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that Federal transportation projects should facilitate
9 and encourage the collaboration between interested per-
10 sons, including Federal, State, and local governments,
11 community colleges, apprentice programs, local high
12 schools, and other community-based organizations that
13 have an interest in improving the job skills of low-income
14 individuals, to help leverage scarce training and commu-
15 nity resources and to help ensure local participation in the
16 building of transportation projects.

17 **SEC. 1921. UPDATE OF OBSOLETE TEXT.**

18 Section 137(a) of title 23, United States Code, is
19 amended in the first sentence by striking “on the Federal-
20 aid urban system” and inserting “on a Federal-aid high-
21 way”.

22 **SEC. 1922. TECHNICAL AMENDMENTS TO NONDISCRIMINA-**
23 **TION SECTION.**

24 (a) STATE ASSURANCES.—Section 140(a) of title 23,
25 United States Code, is amended—



1 (1) in the first sentence by striking “subsection
2 (a) of section 105 of this title” and inserting “sec-
3 tion 135”;

4 (2) in the second sentence by striking “He”
5 and inserting “The Secretary”;

6 (3) in the third sentence—

7 (A) by striking “shall, where he considers
8 it necessary to assure” and inserting “if nec-
9 essary to ensure”; and

10 (B) by inserting “shall” after “oppor-
11 tunity,”; and

12 (4) in the last sentence—

13 (A) by striking “him” and inserting “the
14 Secretary” and

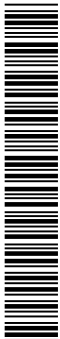
15 (B) by striking “he” and inserting “the
16 Secretary of Transportation”.

17 (b) HIGHWAY CONSTRUCTION AND TECHNOLOGY
18 TRAINING.—Section 140(b) of such title is amended—

19 (1) in the first sentence by striking “highway
20 construction” and inserting “surface transpor-
21 tation”; and

22 (2) in the second sentence—

23 (A) by striking “he may deem”; and



1 (B) by striking “not to exceed \$2,500,000
2 for the transition quarter ending September 30,
3 1976, and”.

4 (c) MINORITY BUSINESS TRAINING PROGRAMS.—
5 Section 140(c) of such title is amended in the second
6 sentence—

7 (1) by striking “subsection 104(b)(3) of this
8 title” and inserting “section 104(b)(3)”; and

9 (2) by striking “he may deem”.

10 (d) TECHNICAL AMENDMENT.—Section 140(d) of
11 such title is amended in the subsection heading by striking
12 “AND CONTRACTING”.

13 **SEC. 1923. TRANSPORTATION ASSETS AND NEEDS OF**
14 **DELTA REGION.**

15 (a) AGREEMENT.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary shall enter
17 into an agreement with the Delta Regional Authority (in
18 this section referred to as the “DRA”) to conduct a com-
19 prehensive study of transportation assets and needs for
20 all modes of transportation (including passenger and
21 freight transportation) in the 8 States comprising the
22 Delta region (Alabama, Arkansas, Illinois, Kentucky, Lou-
23 isiana, Mississippi, Missouri, and Tennessee).

24 (b) CONSULTATION.—Under the agreement, the
25 DRA, in conducting the study, shall consult with the De-



1 partment, State transportation departments, local plan-
2 ning and development districts, local and regional govern-
3 ments, and metropolitan planning organizations.

4 (c) REPORT.—Under the agreement, the DRA, not
5 later than 2 years after the date of entry into the agree-
6 ment, shall submit to the Secretary and the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives and the Committee on Environment and
9 Public Works of the Senate a final report on the results
10 of the study, together with such recommendations as the
11 DRA considers to be appropriate.

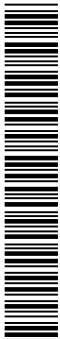
12 (d) PLAN.—Under the agreement, the DRA, upon
13 completion of the report, shall establish a regional stra-
14 tegic plan to implement the recommendations of the re-
15 port.

16 (e) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated out of the
19 Highway Trust Fund (other than the Mass Transit
20 Account), to carry out this section \$500,000 for
21 each of the fiscal years 2005 and 2006.

22 (2) CONTRACT AUTHORITY.—Funds authorized
23 by this section shall be available for obligation in the
24 same manner and to the same extent as if such
25 funds were apportioned under chapter 1 of title 23,



1 United States Code; except that such funds shall re-
2 main available until expended and shall not be trans-
3 ferable.

4 **SEC. 1924. ALASKA WAY VIADUCT STUDY.**

5 (a) FINDINGS.—Congress finds that—

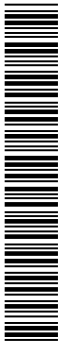
6 (1) in 2001, the Alaska Way Viaduct, a critical
7 segment of the National Highway System in Seattle,
8 Washington, was seriously damaged by the Nisqually
9 earthquake;

10 (2) an effort to address the possible repair, ret-
11 rofit, or replacement of the Viaduct that conforms
12 with the National Environmental Policy Act of 1969
13 (42 U.S.C. 4321 et seq.) is underway; and

14 (3) as a result of the efforts referred to in para-
15 graph (2), a locally preferred alternative for the Via-
16 duct is being developed.

17 (b) STUDY.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this Act, the Secretary, in
20 cooperation with the Washington State department
21 of transportation and the city of Seattle, Wash-
22 ington, shall conduct a comprehensive study to de-
23 termine the specific damage to the Alaska Way Via-
24 duct from the Nisqually earthquake of 2001 that



1 contribute to the ongoing degradation of the Via-
2 duct.

3 (2) REQUIREMENTS.—The study under para-
4 graph (1) shall—

5 (A) identify any repair, retrofit, and re-
6 placement costs for the Viaduct that are eligible
7 for additional assistance from the emergency
8 fund authorized under section 125 of title 23,
9 United States Code, consistent with the emer-
10 gency relief manual governing eligible expenses
11 from the emergency fund; and

12 (B) determine the amount of assistance
13 from the emergency fund for which the Viaduct
14 is eligible.

15 (c) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary shall submit to
17 Congress a report that describes the findings of the study.

18 **SEC. 1925. COMMUNITY ENHANCEMENT STUDY.**

19 (a) IN GENERAL.—The Secretary shall conduct a
20 study on—

21 (1) the role of well-designed transportation
22 projects in—

23 (A) promoting economic development;

24 (B) protecting public health, safety and the
25 environment; and



1 (C) enhancing the architectural design and
2 planning of communities; and

3 (2) the positive economic, cultural, aesthetic,
4 scenic, architectural, and environmental benefits of
5 such projects for communities.

6 (b) CONTENTS.—The study shall address the fol-
7 lowing:

8 (1) The degree to which well-designed transpor-
9 tation projects have positive economic, cultural, aes-
10 thetic, scenic, architectural, and environmental bene-
11 fits for communities.

12 (2) The degree to which such projects protect
13 and contribute to improvements in public health and
14 safety.

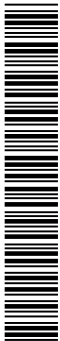
15 (3) The degree to which such projects use inclu-
16 sive public participation processes to achieve quicker,
17 more certain, and better results.

18 (4) The degree to which positive results are
19 achieved by linking transportation, design, and the
20 implementation of community visions for the future.

21 (5) Facilitating the use of successful models or
22 best practices in transportation investment or devel-
23 opment to accomplish each of the following:

24 (A) Enhancement of community identity.

25 (B) Protection of public health and safety.



1 (C) Provision of a variety of choices in
2 housing, shopping, transportation, employment,
3 and recreation.

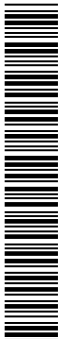
4 (D) Preservation and enhancement of ex-
5 isting infrastructure.

6 (E) Creation of a greater sense of commu-
7 nity through public involvement.

8 (c) REPORT.—Not later than September 20, 2007,
9 the Secretary shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Environment and Public Works of
12 the Senate a report on the results of the study.

13 (d) ADMINISTRATION.—To carry out this section, the
14 Secretary shall make a grant to, or enter into a coopera-
15 tive agreement or contract with, a national organization
16 representing architects who have expertise in the design
17 of a wide range of transportation and infrastructure
18 projects, which include the design of buildings, public fa-
19 cilities, and surrounding communities.

20 (e) AUTHORIZATION.—Of the amounts made avail-
21 able to carry out the transportation, community, and sys-
22 tem preservation program by section 1117 of this Act
23 \$1,000,000 shall be available for each of fiscal years 2006
24 and 2007 to carry out this section; except that, notwith-



1 standing section 1117(g) of this Act, the Federal share
2 of the cost of the study shall be 100 percent.

3 **SEC. 1926. BUDGET JUSTIFICATION.**

4 The Department of Transportation and each agency
5 in the Department shall submit to the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives and the Committee on Environment and Pub-
8 lic Works of the Senate a budget justification concurrently
9 with the President's annual budget submission to Con-
10 gress under section 1105(a) of title 31, United States
11 Code.

12 **SEC. 1927. 14TH AMENDMENT HIGHWAY AND 3RD INFANTRY**
13 **DIVISION HIGHWAY.**

14 Not later than December 31, 2005, any funds made
15 available to commission studies and reports regarding con-
16 struction of a route linking Augusta, Georgia, Macon,
17 Georgia, Columbus, Georgia, Montgomery, Alabama, and
18 Natchez, Mississippi and a route linking through Savan-
19 nah, Georgia, Augusta, Georgia, and Knoxville, Ten-
20 nessee, shall be provided to the Secretary to—

21 (1) carry out a study and submit to the appro-
22 priate committees of Congress a report that de-
23 scribes the steps and estimated funding necessary to
24 construct a route for the 14th Amendment Highway,
25 from Augusta, Georgia, to Natchez, Mississippi (for-



1 merly designated the Fall Line Freeway in the State
2 of Georgia); and

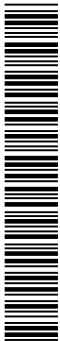
3 (2) carry out a study and submit to the appro-
4 prium committees of Congress a report that de-
5 scribes the steps and estimated funding necessary to
6 designate and construct a route for the 3rd Infantry
7 Division Highway, extending from Savannah, Geor-
8 gia, to Knoxville, Tennessee, by way of Augusta,
9 Georgia (formerly the Savannah River Parkway in
10 the State of Georgia).

11 **SEC. 1928. SENSE OF CONGRESS REGARDING BUY AMER-**
12 **ICA.**

13 It is the sense of Congress that—

14 (1) the Buy America test required by section
15 165 of the Surface Transportation Assistance Act of
16 1982 (23 U.S.C. 101 note) needs to be applied to
17 an entire bridge project and not only to component
18 parts of such project;

19 (2) the law clearly states that domestic mate-
20 rials must be used in Federal highway projects un-
21 less there is a finding that the inclusion of domestic
22 materials will increase the cost of the overall project
23 by more than 25 percent;



1 (3) uncertainty regarding how to apply Buy
2 America laws for major bridge projects threatens the
3 domestic bridge industry;

4 (4) because the Nation's unemployment rate
5 continues to hover around 5.6 percent, steps are
6 needed to protect American workers and the domes-
7 tic bridge building industry; and

8 (5) the Buy American Act (41 U.S.C. 10a et
9 seq.) was designed to ensure that, when taxpayer
10 money is spent on direct Federal Government pro-
11 curement and infrastructure projects, these expendi-
12 tures stimulate United States production and job
13 creation.

14 **SEC. 1929. DESIGNATION OF DANIEL PATRICK MOYNIHAN**
15 **INTERSTATE HIGHWAY.**

16 (a) DESIGNATION.—The portion of Interstate Route
17 86 in the State of New York, extending from the Pennsyl-
18 vania border near Lake Erie through Orange County, New
19 York, shall be known and designated as the “Daniel Pat-
20 rick Moynihan Interstate Highway”.

21 (b) REFERENCES.—Any reference in a law, map, reg-
22 ulation, document, paper, or other record of the United
23 States to the highway portion referred to in subsection (a)
24 shall be deemed to be a reference to the “Daniel Patrick
25 Moynihan Interstate Highway”.



1 **SEC. 1930. DESIGNATION OF THOMAS P. “TIP” O’NEILL, JR.**
2 **TUNNEL.**

3 (a) DESIGNATION.—In honor of his service to the
4 Commonwealth of Massachusetts and the United States,
5 and in recognition of his contributions toward the con-
6 struction of the Central Artery project in Boston, the
7 northbound and southbound tunnel of Interstate Route
8 93, located in the city of Boston, which extends north of
9 the intersection of Interstate Route 90 and Interstate
10 Route 93 to the Leonard P. Zakim Bunker Hill Bridge,
11 shall be known and designated as the “Thomas P. ‘Tip’
12 O’Neill, Jr. Tunnel”.

13 (b) REFERENCES.—Any reference in law, map, regu-
14 lation, document, paper, or other record of the United
15 States to the tunnel referred to in subsection (a) shall be
16 deemed to be a reference to the “Thomas P. ‘Tip’ O’Neill,
17 Jr. Tunnel”.

18 **SEC. 1931. RICHARD NIXON PARKWAY, CALIFORNIA.**

19 (a) DESIGNATION.—The segment of the Imperial
20 Highway located between California State Route 91 and
21 Esperanza Road in the State of California shall be known
22 and designated as the “Richard Nixon Parkway”.

23 (b) REFERENCES.—Any reference in a law, map, reg-
24 ulation, document, paper, or other record of the United
25 States to the highway segment referred to in subsection



1 (a) shall be deemed to be a reference to the “Richard
2 Nixon Parkway”.

3 **SEC. 1932. AMO HOUGHTON BYPASS.**

4 (a) DESIGNATION.—The 3-mile segment of Interstate
5 Route 86 between its interchange with New York State
6 Route 15 in the vicinity of Painted Post, New York, and
7 its interchange with New York State Route 352 in the
8 vicinity of Corning, New York, shall be known and des-
9 ignated as the “Amo Houghton Bypass”.

10 (b) REFERENCES.—Any reference in a law, map, reg-
11 ulation, document, paper, or other record of the United
12 States to the highway segment referred to in subsection
13 (a) shall be deemed to be a reference to the “Amo Hough-
14 ton Bypass”.

15 **SEC. 1933. BILLY TAUZIN ENERGY CORRIDOR.**

16 (a) DESIGNATION.—Louisiana Route 1 shall be
17 known and designated as the “Billy Tauzin Energy Cor-
18 ridor”.

19 (b) REFERENCES.—Any reference in a law, map, reg-
20 ulation, document, paper, or other record of the United
21 States to the highway segment referred to in subsection
22 (a) shall be deemed to be a reference to the “Billy Tauzin
23 Energy Corridor”.

24 **SEC. 1934. TRANSPORTATION IMPROVEMENTS.**

25 (a) AUTHORIZATION OF APPROPRIATIONS.—



1 (1) IN GENERAL.—For each of fiscal years
2 2005 through 2009, there are authorized to be ap-
3 propriated from the Highway Trust Fund (other
4 than the Mass Transit Account) such sums as are
5 necessary to make allocations in accordance with
6 paragraph (2) to carry out each project described in
7 the table contained in subsection (c), at the amount
8 specified for each such project in that table.

9 (2) ALLOCATION PERCENTAGES.—Of the total
10 amount specified for each project described in the
11 table contained in subsection (c), 10 percent for fis-
12 cal year 2005, 20 percent for fiscal year 2006, 25
13 percent for fiscal year 2007, 25 percent for fiscal
14 year 2008, and 20 percent for fiscal year 2009 shall
15 be allocated to carry out each such project in that
16 table.

17 (b) CONTRACT AUTHORITY.—

18 (1) IN GENERAL.—Funds authorized to be ap-
19 propriated to carry out this subsection shall be avail-
20 able for obligation in the same manner as if the
21 funds were apportioned under chapter 1 of title 23,
22 United States Code, except that the funds shall re-
23 main available until expended.

24 (2) FEDERAL SHARE.—The Federal share of
25 the cost of a project under this section shall be de-



1 terminated in accordance with section 120 of such
2 title.

3 (c) TABLE.—The table referred to in subsections (a)
4 and (b) is as follows:



1 **SEC. 1935. PROJECT FLEXIBILITY.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, funds allocated for a project described in sub-
4 section (b) in a State may be obligated for any other
5 project in the State for which funds are so allocated, ex-
6 cept that the total amount of funds authorized for any
7 project for which funds are so allocated shall not be re-
8 duced.

9 (b) PROJECTS.—The projects described in this sub-
10 section are—

11 (1) the projects numbered greater than 3676
12 listed in the table contained in section 1702 of this
13 Act;

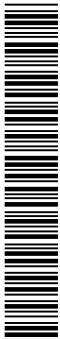
14 (2) the projects numbered greater than 18 list-
15 ed in the table contained in section 1301 of this Act;

16 (3) the projects numbered greater than 27 list-
17 ed in the table contained in section 1302 of this Act;
18 and

19 (4) the projects listed in the table contained in
20 section 1934 of this Act.

21 **SEC. 1936. ADVANCES.**

22 Notwithstanding any other provision of law, funds
23 apportioned to a State under section 104(b) of title 23,
24 United States Code, may be obligated to carry out a
25 project designated in any of sections 1301, 1302, 1306,
26 and 1934 of this Act and sections 117 and 144(g) of title



1 23, United States Code, in an amount not to exceed the
2 amount authorized for that project, only from a program
3 under which the project would be eligible, except that any
4 amounts obligated to carry out the project shall be re-
5 stored from funds allocated for the project.

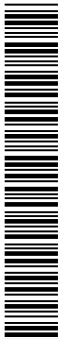
6 **SEC. 1937. ROADS IN CLOSED BASINS.**

7 (a) IN GENERAL.—The Secretary shall use funds
8 made available to carry out section 125 of title 23, United
9 States Code, through advancement or reimbursement,
10 without further emergency declaration, to construct such
11 measures as the Secretary determines to be necessary for
12 the continuation of roadway services, or the impoundment
13 of water to protect roads, or both, at Devils Lake in the
14 State of North Dakota, as the Secretary determines to be
15 appropriate.

16 (b) REQUIREMENTS.—The Secretary shall carry out
17 construction under subsection (a) in accordance with—

18 (1) the options and needs identified in the re-
19 port of the Devils Lake Surface Transportation
20 Task Force of the Federal Highway Administration
21 dated May 4, 2000, and entitled “Roadways Serving
22 as Water Barriers”;

23 (2) any needs relating to Devils Lake identified
24 after May 4, 2000; and



1 (3) any monitoring, study, or design or prelimi-
2 nary engineering associated with evaluating or con-
3 structing the measures.

4 (c) AFFECTED AREAS.—The Secretary shall carry
5 out construction under this section in an area that has
6 been the subject of an emergency declaration issued dur-
7 ing the period beginning on January 1, 1993, and ending
8 on the date of enactment of this Act.

9 (d) FUNDING.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), to the extent that expenditures relating to
12 construction under this section could not be made
13 pursuant to any other authority under section 125
14 of title 23, United States Code, the expenditures
15 shall not exceed—

16 (A) \$10,000,000 during any fiscal year;

17 and

18 (B) a total amount of \$70,000,000.

19 (2) EXCEPTION.—Nothing in paragraph (1)
20 limits any expenditure with respect to—

21 (A) emergency relief in response to a devel-
22 opment occurring after the date of enactment of
23 this Act; or

24 (B) an authority under any other provision
25 of law (including section 125 of such title).



1 (e) EFFECT OF SECTION.—Nothing in this section
2 authorizes or provides funding for the construction, oper-
3 ation, or maintenance of an outlet at Devils Lake in the
4 State of North Dakota.

5 **SEC. 1938. TECHNOLOGY.**

6 States are encouraged to consider using a non-
7 destructive technology able to detect cracks including sub-
8 surface flaws as small as 0.005 inches in length or depth
9 in steel bridges.

10 **SEC. 1939. BIA INDIAN ROAD PROGRAM.**

11 (a) LIMITATION ON APPLICABILITY OF CERTAIN
12 RULE.—The final rule effective October 1, 2004, pub-
13 lished in the Federal Register, July 19, 2004, at pages
14 43089, relating to the Indian reservation road program
15 administered by the Bureau of Indian Affairs of the De-
16 partment of the Interior, shall not apply to the following
17 Alaska villages with respect to the following projects:

18 (1) Craig, Alaska, Craig Community Associa-
19 tion, Point St. Nicholas Road improvements.

20 (2) Cordova, Alaska, Native Village of Eyak,
21 Shepard's Point Road improvements.

22 (3) Hydaburg, Alaska, Hydaburg Community
23 Association, Hydaburg community street improve-
24 ments.



1 (4) Healy Lake, Alaska, Healy Lake Tradi-
2 tional, Cummings Road improvements.

3 (b) SPECIAL RULE.—For the villages listed in sub-
4 section (a), the Indian reservation road program shall be
5 administered by the Bureau of Indian Affairs under the
6 rules and regulations in effect before the adoption of the
7 final rule referred to in subsection (a), and the Secretary
8 shall pay, from amounts made available to carry out sec-
9 tion 202(d) of title 23, United States Code, for fiscal year
10 2006 each of the tribal organizations referred to in sub-
11 section (a) for the Federal share of the costs of the
12 projects listed in subsection (a).

13 **SEC. 1940. GOING-TO-THE-SUN ROAD, GLACIER NATIONAL**
14 **PARK, MONTANA.**

15 (a) PROJECT AUTHORIZATION.—There is authorized
16 to be appropriated to the Secretary from the Highway
17 Trust Fund (other than the Mass Transit Account) to re-
18 surface, repair, rehabilitate, and reconstruct the Going-to-
19 the-Sun Road at Glacier National Park, Montana, in ac-
20 cordance with the framework identified in Alternative 3
21 (shared use alternative) of the environmental impact state-
22 ment and record of decision dated 2003 and relating to
23 the Going-to-the-Sun Road, to remain available until
24 expended—

25 (1) \$10,000,000 for fiscal year 2005;



- 1 (2) \$10,000,000 for fiscal year 2006;
- 2 (3) \$10,000,000 for fiscal year 2007;
- 3 (4) \$10,000,000 for fiscal year 2008; and
- 4 (5) \$10,000,000 for fiscal year 2009.

5 (b) FEDERAL SHARE.—The Federal share of the
6 costs of the project described in subsection (a) shall be
7 100 percent.

8 **SEC. 1941. BEARTOOTH HIGHWAY, MONTANA.**

9 (a) PROJECT AUTHORIZATION.—Of funds made
10 available for the State of Montana for the project for de-
11 velopment and construction of United States Route 212,
12 Red Lodge North, Montana, as described in the table con-
13 tained in section 1934 (including amounts transferred to
14 the project under section 1935), on request of the State
15 of Montana, the Secretary shall obligate such sums as are
16 necessary to reconstruct the Beartooth Highway in the
17 State of Montana.

18 (b) REIMBURSEMENT.—The amounts used for recon-
19 struction under subsection (a) shall be reimbursed to the
20 project relating to United States Route 212 described in
21 subsection (a) on the date or dates on which funding is
22 allocated for the Beartooth Highway under section 125
23 of title 23, United States Code.



1 (c) FEDERAL SHARE.—The Federal share payable
2 for funds allocated for the Beartooth Highway under sec-
3 tion 125 of such title shall be 100 percent.

4 **SEC. 1942. OPENING OF AIRFIELD AT MALMSTROM AIR**
5 **FORCE BASE, MONTANA.**

6 Not later than 60 days after the date of the enact-
7 ment of this Act, the Secretary of the Air Force shall—

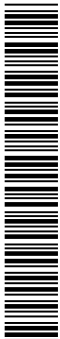
8 (1) open the airfield at Malmstrom Air Force
9 Base, Montana; and

10 (2) enable flying operations for all fixed-wing
11 aircraft at that base.

12 **SEC. 1943. GREAT LAKES ITS IMPLEMENTATION.**

13 (a) IN GENERAL.—The Secretary shall make grants
14 to the State of Wisconsin to continue intelligent transpor-
15 tation system activities in the corridor serving the Greater
16 Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indi-
17 ana, areas initiated under the Intermodal Surface Trans-
18 portation Efficiency Act of 1991 (Public Law 102–240)
19 and other areas of the State of Wisconsin.

20 (b) FUNDING.—There is authorized to be appro-
21 priated from the Highway Trust Fund (other than the
22 Mass Transit Account) \$2,000,000 for each of fiscal years
23 2006 through 2008 and \$3,000,000 for fiscal year 2009
24 to carry out this section.



1 (c) CONTRACT AUTHORITY.—Funds made available
2 to carry out this section shall be available for obligation
3 in the same manner as if the funds were apportioned
4 under chapter 1 of title 23, United States Code.

5 **SEC. 1944. TRANSPORTATION CONSTRUCTION AND REME-**
6 **DIATION, OTTAWA COUNTY, OKLAHOMA.**

7 (a) IN GENERAL.—The Secretary shall allocate to the
8 State of Oklahoma amounts made available to carry out
9 this section for the activities described in subsection (b).

10 (b) OKLAHOMA PLAN FOR TAR CREEK.—The activi-
11 ties referred to in subsection (a) are all activities described
12 in the Oklahoma Plan for Tar Creek, including activities
13 under that Plan that are to be carried out by involved Fed-
14 eral and State entities.

15 (c) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) IN GENERAL.—There is authorized to
18 be appropriated from the Highway Trust Fund
19 (other than the Mass Transit Account) to carry
20 out this section \$10,000,000 for fiscal year
21 2006.

22 (B) AVAILABILITY.—Funds authorized to
23 be appropriated under subparagraph (A) shall
24 remain available until expended.



1 (2) CONTRACT AUTHORITY.—Except as other-
2 wise provided in this section, funds authorized to be
3 appropriated under this section shall be available for
4 obligation in the same manner as if the funds were
5 apportioned under chapter 1 of title 23, United
6 States Code.

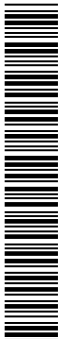
7 (3) TITLE 23 ELIGIBILITY.—Activities described
8 in subsection (b) shall be considered to be eligible
9 for funding under any program for which funds are
10 apportioned under section 104(b) of such title, as in
11 effect on the day before the date of enactment of
12 this section.

13 **SEC. 1945. INFRASTRUCTURE AWARENESS PROGRAM.**

14 (a) IN GENERAL.—In cooperation with the subcon-
15 tracting production entity that received funds under sec-
16 tion 1212(b) of the Transportation Equity Act for the
17 21st Century (112 Stat. 193), the Secretary shall fund
18 the production of a documentary about infrastructure that
19 demonstrates advancements in Alaska, the last frontier.

20 (b) FEDERAL SHARE.—The Federal share of the cost
21 of production of the documentary under subsection (a)
22 shall be 100 percent.

23 (c) FUNDING.—There is authorized to be appro-
24 priated out of the Highway Trust fund (other than the
25 Mass Transit Account) to carry out this section



1 \$1,500,000 for fiscal year 2005 and \$1,450,000 for fiscal
2 year 2006. Such fund shall remain available until ex-
3 pended.

4 (d) APPLICABILITY OF TITLE 23.—Funds authorized
5 by this section shall be available for obligation in the same
6 manner as if such funds were apportioned under chapter
7 1 of title 23, United State Code; except that the Federal
8 share of the cost of production of the documentary under
9 this section shall be determined in accordance with this
10 section.

11 **SEC. 1946. GATEWAY RURAL IMPROVEMENT PILOT PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—The Secretary shall establish a
14 pilot program in the State of Vermont to be known as
15 the “Gateway Rural Improvement Pilot Program” (re-
16 ferred to in this section as the “program”) to demonstrate
17 the benefits to a rural rail corridor of a freight transpor-
18 tation gateway program.

19 (b) ELIGIBLE ACTIVITIES.—Under the program—

20 (1) funding preference shall be given to select-
21 ing a corridor in the State of Vermont that includes
22 a border crossing; and

23 (2) individual projects shall provide community
24 and highway benefits by addressing economic, con-
25 gestion, security, safety, and environmental issues.



1 (c) COST SHARING.—

2 (1) FEDERAL SHARE.—The Federal share of
3 the cost of a project under this section shall be de-
4 termined in accordance with section 120 of title 23,
5 United States Code.

6 (2) NON-FEDERAL SHARE.—Project user fees
7 may be used to provide all or part of the non-Fed-
8 eral share of the cost of a project funded under this
9 section.

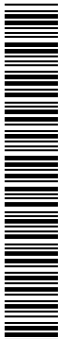
10 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to such amounts as are otherwise authorized to be
12 appropriated for the Department, there are authorized to
13 be appropriated such sums as may be necessary to carry
14 out this section.

15 **SEC. 1947. ELIGIBLE SAFETY IMPROVEMENTS.**

16 Section 120(c) of title 23, United States Code, is
17 amended in the first sentence by inserting “traffic circles
18 (also known as ‘roundabouts’),” after “traffic control sig-
19 nalization,”.

20 **SEC. 1948. EMERGENCY SERVICE ROUTE.**

21 Notwithstanding any Federal law, regulation, or pol-
22 icy to the contrary, no Federal funds shall be obligated
23 or expended for the demolition of the existing Brightman
24 Street Bridge connecting Fall River and Somerset, Massa-
25 chusetts, and the existing Brightman Street Bridge shall



1 be maintained for pedestrian and bicycle access, and as
2 an emergency service route.

3 **SEC. 1949. KNIK ARM BRIDGE FUNDING CLARIFICATION.**

4 The Secretary shall provide to the public entity
5 known as the Knik Arm Bridge and Toll Authority, estab-
6 lished by the State of Alaska, funds provided in items
7 2465 and 3677 in the table contained in section 1702,
8 item 2 in the table contained in section 1934, and item
9 14 in the table contained in section 1302.

10 **SEC. 1950. LINCOLN PARISH, LA/I-20 TRANSPORTATION**
11 **CORRIDOR PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall credit non-
13 Federal expenditures paid on or after October 23, 2000,
14 by project sponsors of the Lincoln Parish transportation
15 and community and system preservation project funded by
16 the Department of Transportation and Related Agencies
17 Appropriations Act, 2001 (Public Law 106–346), and the
18 United States Route 167/I–20 interchange Interstate
19 maintenance discretionary project funded by the Depart-
20 ment of Transportation and Related Agencies Appropria-
21 tions Act, 2002 (Public Law 107–87), that are in excess
22 of the non-Federal matching requirements for such
23 projects as non-Federal contributions toward the non-Fed-
24 eral matching requirements for all LA/I–20 Transpor-



1 tation Corridor Program elements between Louisiana
2 Route 149 and Louisiana Route 33.

3 (b) EXPIRATION OF AUTHORITY.—The authority to
4 provide credit under subsection (a) expires on September
5 30, 2009.

6 **SEC. 1951. BONDING ASSISTANCE PROGRAM.**

7 Section 332 of title 49, United States Code, is
8 amended by inserting at the end the following:

9 “(e) BONDING ASSISTANCE.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through the Minority Resource Center established
12 under subsection (b), shall provide assistance in ob-
13 taining bid, payment, and performance bonds by dis-
14 advantaged business enterprises pursuant to sub-
15 section (b)(4).

16 “(2) AUTHORIZATION OF APPROPRIATION.—
17 There is authorized to be appropriated such sums as
18 may be necessary for each of fiscal years 2005
19 through 2009 to carry out activities under this sub-
20 section.”.

21 **SEC. 1952. CONGESTION RELIEF.**

22 The Secretary shall conduct a design and feasibility
23 analysis to alleviate southbound traffic congestion along
24 the George Washington Parkway, Virginia, between Inter-
25 state Route 495 and the 14th Street Bridge and shall take



1 appropriate action in response to the results of that anal-
2 ysis.

3 **SEC. 1953. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out,
5 in accordance with title 23, United States Code, projects
6 under section 1301 and 1302 of this Act.

7 **SEC. 1954. BICYCLE TRANSPORTATION AND PEDESTRIAN**
8 **WALKWAYS.**

9 Section 217(c) of title 23, United States Code, is
10 amended by striking “in conjunction with such trails,
11 roads, highways, and parkways”.

12 **SEC. 1955. CONVEYANCE TO THE CITY OF ELY, NEVADA.**

13 Notwithstanding sections 202 and 203 of the Federal
14 Land Policy and Management Act of 1976 (43 U.S.C.
15 1711, 1712), the Secretary of Interior, acting through the
16 Director of the Bureau of Land Management, shall convey
17 within 45 days after the date of enactment of this Act
18 to the city of Ely, Nevada, subject to valid existing rights,
19 without consideration, all right, title, and interest of the
20 United States in the land located within the railroad cor-
21 ridor described in rights-of-way numbered Nev-043230,
22 Nev-043231, Nev-043232, Nev-43240, Nev-043234,
23 ELKO-03009, ELKO-03514, and CC-05887.



1 **SEC. 1956. BROWNFIELDS GRANTS.**

2 Section 104(k)(4)(B) of the Comprehensive Environ-
3 mental Response, Compensation, and Liability Act of
4 1980 (42 U.S.C. 9604(k)(4)(B)) is amended by adding at
5 the end the following:

6 “(iii) EXCEPTION.—Notwithstanding
7 clause (i)(IV), the Administrator may use
8 up to 25 percent of the funds made avail-
9 able to carry out this subsection to make
10 a grant or loan under this subsection to el-
11 igible entities that satisfy all of the ele-
12 ments set forth in section 101(40) to qual-
13 ify as a bona fide prospective purchaser,
14 except that the date of acquisition of the
15 property was on or before January 11,
16 2002.”.

17 **SEC. 1957. TRAFFIC CIRCLE CONSTRUCTION, CLARENDON,**
18 **VERMONT.**

19 (a) IN GENERAL.—The State of Vermont agency of
20 transportation shall—

21 (1) not later than August 1, 2005, commence
22 planning for a traffic circle at the intersection of
23 United States Route 7 and Vermont Route 103 in
24 Clarendon, Vermont; and

25 (2) not later than August 1, 2007, complete
26 construction of that traffic circle.



1 (b) FUNDING.—From amounts made available to the
2 State of Vermont by this Act, the Secretary shall provide
3 to the State of Vermont agency of transportation
4 \$1,000,000 for use in carrying out this section.

5 **SEC. 1958. LIMITATION ON PROJECT APPROVAL.**

6 Notwithstanding any provision of title 23, United
7 States Code, the Secretary is prohibited from approving
8 any Federal-aid highway project in Orange and Seminole
9 Counties, Florida, which provides access from Interstate
10 Route 4 to the right-of-way or median of Interstate Route
11 4 if tolls or toll facilities are used for the access to the
12 right-of-way or median.

13 **SEC. 1959. CROSS HARBOR FREIGHT MOVEMENT PROJECT.**

14 The Secretary shall provide to the public entity
15 known as the Port Authority of New York and New Jer-
16 sey, established by the States of New York and New Jer-
17 sey, funds provided for project numbered 12 in section
18 1301 of this Act.

19 **SEC. 1960. DENALI ACCESS SYSTEM PROGRAM.**

20 The Denali Commission Act of 1998 (42 U.S.C. 3121
21 note) is amended—

22 (1) by redesignating section 309 as section 310;

23 and

24 (2) by inserting after section 308 the following:



1 **“SEC. 309. DENALI ACCESS SYSTEM PROGRAM.**

2 “(a) ESTABLISHMENT OF THE DENALI ACCESS SYS-
3 TEM PROGRAM.—Not later than 3 months after the date
4 of enactment of the SAFETEA–LU, the Secretary of
5 Transportation shall establish a program to pay the costs
6 of planning, designing, engineering, and constructing road
7 and other surface transportation infrastructure identified
8 for the Denali access system program under this section.

9 “(b) DENALI ACCESS SYSTEM PROGRAM ADVISORY
10 COMMITTEE.—

11 “(1) ESTABLISHMENT.—Not later than 3
12 months after the date of enactment of the
13 SAFETEA–LU, the Denali Commission shall estab-
14 lish a Denali Access System Program Advisory Com-
15 mittee (referred to in this section as the ‘advisory
16 committee’) .

17 “(2) MEMBERSHIP.—The advisory committee
18 shall be composed of 9 members to be appointed by
19 the Governor of the State of Alaska as follows:

20 “(A) The chairman of the Denali Commis-
21 sion.

22 “(B) 4 members who represent existing re-
23 gional native corporations, native nonprofit en-
24 tities, or tribal governments, including one
25 member who is a civil engineer.



1 “(C) 4 members who represent rural Alas-
2 ka regions or villages, including one member
3 who is a civil engineer.

4 “(3) TERMS.—

5 “(A) IN GENERAL.—Except for the chair-
6 man of the Commission who shall remain a
7 member of the advisory committee, members
8 shall be appointed to serve a term of 4 years.

9 “(B) INITIAL MEMBERS.—Except for the
10 chairman of the Commission, of the 8 initial
11 members appointed to the advisory committee,
12 2 shall be appointed for a term of 1 year, 2
13 shall be appointed for a term of 2 years, 2 shall
14 be appointed for a term of 3 years, and 2 shall
15 be appointed for a term of 4 years. All subse-
16 quent appointments shall be for 4 years.

17 “(4) RESPONSIBILITIES.—The advisory com-
18 mittee shall be responsible for the following activi-
19 ties:

20 “(A) Advising the Commission on the sur-
21 face transportation needs of Alaska Native vil-
22 lages and rural communities, including projects
23 for the construction of essential access routes
24 within remote Alaska Native villages and rural
25 communities and for the construction of roads



1 and facilities necessary to connect isolated rural
2 communities to a road system.

3 “(B) Advising the Commission on consider-
4 ations for coordinated transportation planning
5 among the Alaska Native villages, Alaska rural
6 villages, the State of Alaska, and other govern-
7 ment entities.

8 “(C) Establishing a list of transportation
9 priorities for Alaska Native village and rural
10 community transportation projects on an an-
11 nual basis, including funding recommendations.

12 “(D) Facilitate the Commission’s work on
13 transportation projects involving more than one
14 region.

15 “(5) FACA EXEMPTION.—The provisions of the
16 Federal Advisory Committee Act (5 U.S.C. App.)
17 shall not apply to the advisory committee.

18 “(c) ALLOCATION OF FUNDS.—

19 “(1) IN GENERAL.—The Secretary shall allo-
20 cate funding authorized and made available for the
21 Denali access system program to the Commission to
22 carry out this section.

23 “(2) DISTRIBUTION OF FUNDING.—In distrib-
24 uting funds for surface transportation projects fund-
25 ed under the program, the Commission shall consult



1 the list of transportation priorities developed by the
2 advisory committee.

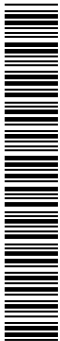
3 “(d) PREFERENCE TO ALASKA MATERIALS AND
4 PRODUCTS.—To construct a project under this section,
5 the Commission shall encourage, to the maximum extent
6 practicable, the use of employees and businesses that are
7 residents of Alaska.

8 “(e) DESIGN STANDARDS.—Each project carried out
9 under this section shall use technology and design stand-
10 ards determined by the Commission to be appropriate
11 given the location and the functionality of the project.

12 “(f) MAINTENANCE.—Funding for a construction
13 project under this section may include an additional
14 amount equal to not more than 10 percent of the total
15 cost of construction, to be retained for future maintenance
16 of the project. All such retained funds shall be dedicated
17 for maintenance of the project and may not be used for
18 other purposes.

19 “(g) LEAD AGENCY DESIGNATION.—For purposes of
20 projects carried out under this section, the Commission
21 shall be designated as the lead agency for purposes of ac-
22 cepting Federal funds and for purposes of carrying out
23 this project.

24 “(h) NON-FEDERAL SHARE.—Notwithstanding any
25 other provision of law, funds made available to carry out



1 this section may be used to meet the non-Federal share
2 of the cost of projects under title 23, United States Code.

3 “(i) SURFACE TRANSPORTATION PROGRAM TRANS-
4 FERABILITY.—

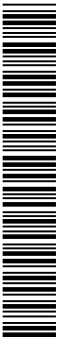
5 “(1) TRANSFERABILITY.—In any fiscal year, up
6 to 15 percent of the amounts made available to the
7 State of Alaska for surface transportation by section
8 133 of title 23, United States Code, may be trans-
9 ferred to the Denali access system program.

10 “(2) NO EFFECT ON SET-ASIDE.—Paragraph
11 (2) of section 133(d), United States Code, shall not
12 apply to funds transferred under paragraph (1).

13 “(j) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There is authorized to be
15 appropriated out of the Highway Trust Fund (other
16 than the Mass Transit Account) to carry out this
17 section \$15,000,000 for each of fiscal years 2006
18 through 2009.

19 “(2) APPLICABILITY OF TITLE 23.—Funds
20 made available to carry out this section shall be
21 available for obligation in the same manner as if
22 such funds were apportioned under chapter 1 of title
23 23, United States Code; except that such funds shall
24 not be transferable and shall remain available until
25 expended, and the Federal share of the cost of any



1 project carried out using such funds shall be deter-
2 mined in accordance with section 120(b).”.

3 **SEC. 1961. I-95/CONTEE ROAD INTERCHANGE STUDY.**

4 (a) IN GENERAL.—The Secretary shall conduct a
5 study on the I-95/Contee Road relocated interchange
6 project located in Prince George’s County, Maryland. The
7 study shall assess how the proposed interchange will—

8 (1) leverage Federal investment in the I-95/
9 Contee Road relocated interchange project by en-
10 couraging a public-private partnership between the
11 State of Maryland and the private financial interests
12 supporting the project;

13 (2) improve overall transportation efficiency in
14 the area and enhance fire, rescue, and emergency re-
15 sponse in the area;

16 (3) complement planned development in the
17 area by providing sufficient access to the Interstate
18 System; and

19 (4) otherwise provide public benefits and reve-
20 nues.

21 (b) DATA COLLECTION.—As part of the study, the
22 Secretary shall collect data regarding the economic impact
23 of the project, including new jobs and State and county
24 revenues in the form of real estate property taxes, retail



1 sales taxes, and income and hotel sales and occupancy
2 taxes.

3 (c) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Secretary shall submit to
5 the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on Envi-
7 ronment and Public Works of the Senate a report on the
8 results of the study, including any recommendations of the
9 Secretary.

10 (d) FUNDING.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this section, out of the Highway Trust Fund (other
14 than the Mass Transit Account), \$1,000,000 for fis-
15 cal year 2006.

16 (2) CONTRACT AUTHORITY.—Funds authorized
17 to be appropriated by this section shall be available
18 for obligation in the same manner and to the same
19 extent as if such funds were apportioned under
20 chapter 1 of title 23, United States Code; except
21 that the Federal share of the cost of the project
22 shall be 100 percent, and such funds shall remain
23 available until expended and shall not be transfer-
24 able.



1 **SEC. 1962. MULTIMODAL FACILITY IMPROVEMENTS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—The Sec-
3 retary shall make available from funds in the Highway
4 Trust Fund (other than the Mass Transit Account)
5 \$5,000,000 for each of fiscal years 2006 through 2009
6 for multimodal facility improvements, construction, and
7 ferry acquisition by North Bay Ferry Service, Inc., located
8 at Port Sonoma in Petaluma, California.

9 (b) CONTRACT AUTHORITY.—Funds appropriated to
10 carry out this section shall be available for obligation in
11 the same manner as if the funds were apportioned under
12 chapter 1 of title 23, United States Code, except that such
13 funds shall remain available until expended.

14 (c) LIMITATION.—Not more than 50 percent of funds
15 appropriated to carry out this section shall be used for
16 facility improvements and construction.

17 (d) FEDERAL SHARE.—The Federal Share of the
18 cost of a facility improvement or construction project
19 under this section shall be 80 percent.

20 (e) REQUIREMENT.—Ferries to which assistance is
21 provided under this section shall be purchased by a United
22 States company that designs and builds vessels in the
23 United States.

24 **SEC. 1963. APOLLO THEATER LEASES.**

25 Notwithstanding the Public Works and Economic De-
26 velopment Act of 1965 (42 U.S.C. 3121 et seq.), or any



1 other provision of law, the Economic Development Admin-
2 istration shall, in order to facilitate the further financing
3 of the project, approve, without compensation to the agen-
4 cy, a series of leases of the Apollo Theater, located in Har-
5 lem, New York, to be improved by Economic Development
6 Administration project numbers 01-01-7308 and 01-01-
7 07552.

8 **SEC. 1964. PROJECT FEDERAL SHARE.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, only for the States of Alaska, Montana, Ne-
11 vada, North Dakota, Oregon, and South Dakota, the Fed-
12 eral share of the cost of a project described in subsection
13 (b) shall be determined in accordance with section 120(b)
14 of title 23, United States Code.

15 (b) PROJECTS.—The projects described in this sub-
16 section are—

- 17 (1) the projects listed in section 1702;
18 (2) the projects listed in section 1301; and
19 (3) the projects listed in section 1934.

